



Dennis J. Duffin
Director

AO-87-09
The Commonwealth of Massachusetts
Office of
Campaign & Political Finance

One Ashburton Place, Boston 02108
727-8352

September 11, 1987
AO-87-09

James R. Nolen
Attorney At Law
89 Main Street-Box 208
Ware, MA 01082

Dear Mr. Nolen:

This is in response to your letter of August 31, 1987 indicating that you represent the Estate of the late State Representative William E. Moriarty of Ware who deceased on June 5, 1987. You state that at the time of his death, Representative Moriarty had a bank account under the title of "Committee to Re-Elect William E. Moriarty", with a balance of \$ 1,865.10.

There is registered with this office a political committee entitled "Committee to Elect William E. Moriarty State Representative" with Michael J. Buckley, 181 West St, Ware, listed as Treasurer. On the committees last report filed in this Office January 8, 1987 for the period ending December 31, 1986, the treasurer lists a cash balance of \$ 1,647.92 with liabilities of \$ 6,425.00.

In your letter, you ask our advisory opinion as to (1) "whether or not these funds are owned by the Estate", and (2) "whether there should be other disposition of them". Regarding the ownership of the funds, I cannot offer an opinion regarding the application of Probate Law to this matter. Regarding other disposition of the funds, it is my opinion under Chapter 55 and rules and regulations promulgated thereunder, that funds held by the committee organized on behalf of Representative Moriarty are assets of the political committee. Following the death of the candidate on whose behalf the committee is organized our rules permit the expenditure of funds which are necessary to pay the following expenses:

- a) Obligations incurred by the committee prior to the candidate's death, provided that such expenditures are permitted by M.G.L. Chapter 55;
- b) Costs clearly associated with administering the termination of the committee;
- c) Obligations to employees which would be reasonable and payable as a usual and customary business practice;
- d) Federal and state taxes, such as employee taxes and interest income taxes.

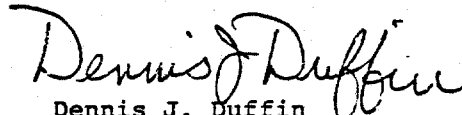
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Other than the exceptions noted above, any remaining assets of such a committee would be held until the dissolution of the political committee, and under M.G.L. c. 55, s. 18 be disposed of upon dissolution of the committee by donation to the Local Aid Fund established under the provisions of M.G.L. c.29,s. 2D.

With regard to exception (a) noted above "Obligations incurred by the committee prior the the candidates death etc", the Moriarty Committee lists a total liability to the Candidate, William E. Moriarty, of \$ 6,425.00 incurred as a result of a series of loans made by Mr. Moriarty to his committee over a period of years commencing in June of 1980. The committee may wish to partially discharge its obligations to Representative Moriarty through a payment to his Estate. For specific advice on this matter, and resolution of other questions regarding the status and eventual dissolution of the committee, the Treasurer of the committee should contact this office. I am sending a copy of this letter to him.

If I can be of further assistance to you, please call on me.

Very truly yours,


Dennis J. Duffin
Director

DJD/jee

cc: Michael J. Buckley
181 West Street
Ware, MA 01082